

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

WILLIAM IRVINE, M.D.

**Physician's and Surgeon's
Certificate No. A 45025**

Respondent

Case No. 02-2008-196109

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on May 20, 2014.

IT IS SO ORDERED May 13, 2014.

MEDICAL BOARD OF CALIFORNIA

By:


**Kimberly Kirchmeyer
Executive Director**

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 State Bar No. 71375
California Department of Justice
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2543
Facsimile: (213) 897-9395
6 *Attorneys for Complainant*

7 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **WILLIAM IRVINE, M.D.**
12 **11271 Loma Rica Road**
Marysville, CA 95901

13 **Physician's and Surgeon's Certificate No.**
A45025

14 Respondent.

Case No. 02-2008-196109

STIPULATED SURRENDER OF
LICENSE AND ORDER

15
16 In the interest of a prompt and speedy settlement of this matter, consistent with the public
17 interest and the responsibility of the Medical Board of California of the Department of Consumer
18 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order
19 which will be submitted to the Board for approval and adoption as the final disposition of the
20 Accusation.

21 PARTIES

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
23 of California. She brought this action solely in her official capacity and is represented in this
24 matter by Kamala D. Harris, Attorney General of the State of California, by E. A. Jones III,
25 Supervising Deputy Attorney General.

26 2. William Irvine, M.D. (Respondent) is represented in this proceeding by attorney
27 Danielle M. Guard, whose address is: Hardy, Erich, Brown & Wilson, 1000 G St., 2nd Floor,
28 Sacramento, CA 95814 (mailing address: P.O. Box 13530, Sacramento, California 95853-3530).

3. On or about July 7, 1988, the Medical Board of California issued Physician's and Surgeon's Certificate No. A45025 to William Irvine, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 02-2008-196109. In January 2011, Respondent applied for and on February 17, 2011, was granted a disabled license (Physician's and Surgeon's Certificate No. AFE45025), which will expire on June 30, 2014, unless renewed. Under the disable license, Respondent is not permitted to practice.

JURISDICTION

4. Accusation No. 02-2008-196109 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 25, 2011. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 02-2008-196109 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 02-2008-196109. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 proceeding, or any other proceedings in which the Medical Board of California or other
2 professional licensing agency is involved, and shall not be admissible in any other criminal or
3 civil proceeding.

4 CONTINGENCY

5 13. This stipulation shall be subject to approval by the Medical Board of California.
6 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
7 Board of California may communicate directly with the Board regarding this stipulation and
8 surrender, without notice to or participation by Respondent or his counsel. By signing the
9 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
10 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
11 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
12 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
13 action between the parties, and the Board shall not be disqualified from further action by having
14 considered this matter.

15 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
16 copies of this Stipulated Surrender of License and Order, including Portable Document Format
17 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

18 15. In consideration of the foregoing admissions and stipulations, the parties agree that
19 the Board may, without further notice or formal proceeding, issue and enter the following Order:

20 ORDER

21 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A45025, issued
22 to Respondent William Irvine, M.D., is surrendered and accepted by the Medical Board of
23 California.

24 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
25 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
26 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
27 of Respondent's license history with the Medical Board of California.

28 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in

1 California as of the effective date of the Board's Decision and Order.

2 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
3 issued, his wall certificate on or before the effective date of the Decision and Order.

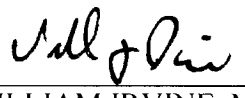
4 4. If Respondent ever files an application for licensure or a petition for reinstatement in
5 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
6 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
7 effect at the time the petition is filed, and all of the charges and allegations contained in
8 Accusation No. 02-2008-196109 may be considered by the Board in determining whether to grant
9 or deny the petition.

10 5. If Respondent should ever apply or reapply for a new license or certification, or
11 petition for reinstatement of a license, by any other health care licensing agency in the State of
12 California, all of the charges and allegations contained in Accusation, No. 02-2008-196109 may
13 be considered for the purpose of any Statement of Issues or any other proceeding seeking to deny
14 or restrict licensure.

15 ACCEPTANCE

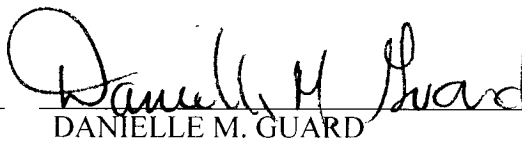
16 I have carefully read the above Stipulated Surrender of License and Order and have fully
17 discussed it with my attorney, Danielle M. Guard. I understand the stipulation and the effect it
18 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
19 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
20 Decision and Order of the Medical Board of California.

21
22 DATED: April 23, 2014


23 WILLIAM IRVINE, M.D.
Respondent

24 I have read and fully discussed with Respondent William Irvine, M.D. the terms and
25 conditions and other matters contained in this Stipulated Surrender of License and Order. I
26 approve its form and content.

27 DATED: 4/24/14


28 DANIELLE M. GUARD
Attorney for Respondent

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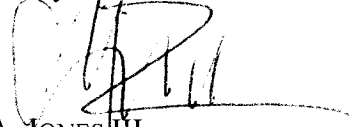
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 4/29/14

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California



E. A. JONES III
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 02-2008-196109

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 JESSICA M. AMGWERD
Deputy Attorney General
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7 E-mail: Jessica.Amgwerd@doj.ca.gov

8 *Attorneys for Complainant*

9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12
13 In the Matter of the Accusation Against:

14 **WILLIAM IRVINE, M.D.**
11271 Loma Rica Road
15 Marysville, CA 95901

16 Physician's and Surgeon's Certificate No. AFE45025

17 Respondent.

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 22 2011
BY Kamala D. Harris

Case No. 02-2008-196109

ACCUSATION

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
- 23 2. On or about July 7, 1988, the Medical Board of California issued Physician's and
24 Surgeon's Certificate Number A -- 45025 to William Irvine, M.D. (Respondent). The Physician's
25 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein. In January 2011, Respondent applied for and was granted a disabled license on February
27 17, 2011 (Physician's and Surgeon's Certificate No. AFE45025), which will expire on June 30,
28 2012, unless renewed. Under the disable license, Respondent is not permitted to practice.

3. On February 3, 2011, Respondent signed under penalty of perjury an application for a disabled physician certificate due to an auto accident in April 2010. Respondent's license is currently on a disabled status.

JURISDICTION

4. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

5. Business and Professions Code section 2227 provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

6. Business and Professions Code section 2234 states:

§ 2234. Unprofessional conduct

The Division of Medical Quality¹ shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

...

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

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¹ Bus. & Prof. Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State Medical Practices Act means the “Medical Board of California”, and references to the “Division of Medical Quality” in the Act or any other provision of law shall be deemed to refer to the Board.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

...

7. Business and Professions Code section 725 states as follows:

§ 725. Excessive prescription or administration of drugs or treatment; diagnostic procedures; diagnostic treatment or treatment facility; misdemeanor; punishment

Repeated acts of clearly excessive prescribing or administering of drugs or treatment . . . as determined by the standard of community of licensees is unprofessional conduct for a physician and surgeon, . . . However, pursuant to Section 2241.5, no physician and surgeon in compliance with the California Intractable Pain Treatment Act shall be subject to disciplinary action for lawfully prescribing or administering controlled substances in the course of treatment of a person for tractable pain.

...

8. Business and Professions Code section 2241, states as follows:

§ 2241. Provision of prescription drugs and controlled substances to addicts; conditions; definitions

(a) A physician and surgeon may prescribe for, or dispense or administer prescription drugs, including prescription controlled substances, to an addict, under his or her treatment for a purpose other than maintenance on, or detoxification from, prescription drugs or controlled substances.

(b) A physician and surgeon may prescribe, dispense, or administer prescription drugs or prescription controlled substances to an addict for purposes of maintenance on, or detoxification from, prescription drugs or controlled substances only as set forth in subdivision (c) or in sections 11215, 11217, 11217.5, 11218, 11219, and 11220 of the Health and Safety Code. Nothing in this subdivision shall authorize a physician and surgeon to prescribe, dispense, or administer dangerous drugs or controlled substances to a person he or she knows or reasonably believes is using or will use the drugs or substances for a nonmedical purpose.

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1 9. Business and Professions Code section 2241.5, states as follows:

2 **§ 2241.5. Prescription or administration of controlled**
3 **substances; intractable pain; application; denial, revocation,**
4 **suspension of physician's and surgeon's license**

5 (a) A physician and surgeon may prescribe for, or dispense or
6 administer to, a person under his or her treatment for a medical
7 condition dangerous drugs or prescription controlled substances for
8 the treatment of pain or a condition causing pain, including, but not
9 limited to, intractable pain.

10 (b) No physician and surgeon shall be subject to disciplinary action
11 for prescribing, dispensing, or administering dangerous drugs or
12 prescription controlled substances in accordance with this section.

13 (c) This section shall not affect the power of the board to take any
14 action described in section 2227 against a physician and surgeon
15 who does any of the following:

16 (1) Violates subdivision (b), (c), or (d) of section 2234 regarding
17 gross negligence, repeated negligent acts, or incompetence.

18 (2) Violates section 2241 regarding treatment of an addict.

19 (3) Violates section 2242 regarding performing an appropriate
20 prior examination and the existence of a medical indication for
21 prescribing, dispensing, or furnishing dangerous drugs.

22 ...

23 (7) Prescribes, administers, or dispenses in violation of this
24 chapter, or in violation of Chapter 4 (commencing with Section
25 11150) or Chapter 5 (commencing with section 11210) of
26 Division 10 of the Health and Safety Code.

27 (d) A physician and surgeon shall exercise reasonable care in determining whether a
28 particular patient or condition, or the complexity of a patient's treatment, including,
but not limited to, a current or recent pattern of drug abuse, requires consultation
with, or referral to, a more qualified specialist.

9. Business and Professions Code section 2242, states as follows:

§ 2242. Prescribing, dispensing, or furnishing dangerous drugs without prior
examination and medical indication; unprofessional conduct; exception

(a) Prescribing, dispensing, or furnishing dangerous drugs as
defined in section 4022 without an appropriate prior examination
and a medical indication constitutes unprofessional conduct.

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DANGEROUS DRUGS AT ISSUE

11. "Valium" is a brand name for Diazepam, and a schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(1), and is a dangerous drug as designated in Health and Safety Code section 4022. Diazepam is a psychotropic drug for the management of anxiety disorders or for the short-term relief of the symptoms of anxiety. It can produce psychological and physical dependence and it should be prescribed with caution particularly to addiction-prone individuals (such as drug addicts and alcoholics) because of the predisposition of such patients to habituation and dependence. Valium is available in 5 mg and 10 mg tablets. The recommended dosage is 2 to 10 mgs, 2 to 4 times daily (max 40 mgs/day).

12. Morphine Sulfate, (the generic name for "Kadian", "Avinza"), is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(M), and a dangerous drug as designated in Health and Safety Code section 4022. It is used by patients who require a potent opioid analgesic for relief of moderate to severe pain. Morphine can produce drug dependence and has a potential for being abused. Tolerance and psychological and physical dependence may develop upon repeated administration. Abrupt cessation or a sudden reduction in dose after prolonged use may result in withdrawal symptoms. After prolonged exposure to morphine, if withdrawal is necessary, it must be undertaken gradually.

13. Dilaudid" is a brand name for Hydromorphone, a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(K), and a dangerous drug as designated in Health and Safety Code section 4022.

BRAND NAME	GENERIC NAME	DANGEROUS DRUG PER B&PC 4022	CONTROLLED SUBSTANCE
Valium	Diazepam	Yes	Yes. H & S Code § 11057(d)(1)
	Morphine Sulfate	Yes	Yes. H & S Code § 11055 (b)(1)(M),
Dilaudid	Hydromorphone hydrochloride	Yes	Yes. H & S Code § 11055(b)(1)(K)

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GENERAL BACKGROUND

14. Respondent was a physician at Sutter North Medical Clinic located on 11271 Loma Rica Road, Marysville, California. Respondent's supervisor was Dr. Rose. P.S. was a childhood friend of Respondent's daughter growing up. In 2002, when P.S. was 19, she began working for Respondent as a medical assistant, and became a patient of Respondent. P.S. worked for Respondent approximately three years.

15. Respondent treated P.S. for, *inter alia*, headaches and, nausea. P.S. had a history of alcohol addiction and abuse of narcotic agents. In September 2004, Respondent referred P.S. to a Neurologist for an outside consultation. The consultation dated October 7, 2004, indicated P. S.'s headache disorder was worsening and could be related to analgesic overuse. She was given prescriptions for migraine prophylactic medications and advised not to overuse the medications.

16. In treating P.S., the majority of Respondent's efforts was directed to prescribing medications to control acute symptoms by frequent intramuscular injections and controlled substances including narcotics and sedatives. Respondent's documentation for P.S. indicates he provided the multiple injections over the years. Additionally, the medical records demonstrate Respondent gave the following injections to P.S. from August 18, 2006 through November 10, 2006:

DATE	MEDICATION INJECTED
August 18, 2006	Morphine, Diazepam, Promethazine
August 31, 2006	Promethazine, Trimethobenzamide
September 6, 2006	Promethazine, Diazepam, Morphine
September 8, 2006	Promethazine, Diazepam, Morphine
September 14, 2006	Promethazine, Diazepam, Morphine
September 15, 2006	Promethazine
September 18, 2006	Meperidine, Promethazine, Diazepam, Morphine
September 20, 2006	Promethazine, Diazepam, Morphine

1	September 25, 2006	Diphenhydramine, Trimethobenzamide
2	September 26, 2006	Trimethobenzamide, Diazepam, Morphine
3	September 28, 2006	Diphenhydramine, Promethazine, Diazepam, Morphine
4	September 30, 2006	Trimethobenzamide, Diazepam, Morphine
5	October 3, 2006	Promethazine, Diazepam
6	October 4, 2006	Promethazine, Diazepam, Morphine
7	October 6, 2006	Promethazine, Diazepam, Morphine
8	October 9, 2006	Promethazine, Diazepam, Morphine
9	October 10, 2006	Promethazine
10	October 13, 2006	Diphenhydramine, Dexamethasone, Trimethobenzamide, Diazepam, Morphine
11		
12	October 16, 2006	Diphenhydramine, Trimethobenzamide, Diazepam, Morphine
13	October 27, 2006	Diphenhydramine, Meperidine, Promethazine, Diazepam
14	October 28, 2006	Butorphanol, Meperidine, Trimethobenzamide, Diazepam
15	October 31, 2006	Meperidine, Trimethobenzamide, Diazepam
16	November 8, 2006	Promethazine, Hydroxyzine
17	November 10, 2006	Diphenhydramine, Meperidine, Promethazine, Trimethobenzamide, Diazepam

17. In 2006, Dr. Rose was informed of rumors about Respondent having a “personal” and “intimate” relationship with his young patient, P.S., thus Dr. Rose confronted Respondent about “questionable after hour visits”. In December 2006/January 2007, Dr. Rose informed Respondent he could no longer have a physician/patient relationship with P.S. He also specifically instructed Respondent not to prescribe any medications to her and that all medications for P.S. were to go through Dr. Rose.

18. Respondent last saw P.S. as a patient on December 29, 2006. Thereafter, Dr. Rose became the physician of P.S., and it was his belief that she was on heavy medications and not “doing well”. It was his goal to get her off the “heavy meds”. Dr. Rose wrote prescriptions for P.S. starting on April 24, 2008.

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2 19. Notwithstanding Dr. Rose's instructions to Respondent, Respondent continued to
3 prescribe medications to P.S. From September 1, 2007, through September 1, 2010, P.S. obtained
4 the following prescriptions that were written by Respondent:

5 DATE	MEDICATION	AMOUNT	QUANTITY
6 10-1-2007	Diazepam	10 mg	90 qty
7 11-09-2007	Diazepam	10 mg	90 qty
8 12-13-2007	Diazepam	10 mg	90 qty
9 02-03-2008	Diazepam	10 mg	90 qty
10 03-06-2008	Diazepam	10 mg	90 qty
11 03-06-2008	Darvocet	650 mg-100 mg	60 qty
12 08-15-2008	Vicodin	5 mg, 500 mg	60 qty
13 08-15-2008	Diazepam	10 mg	30 qty
14 02-02-2010	Diazepam	10 mg	90 qty
15 02-02-2010	Dilaudid	4 mg	90 qty

16 20. Dr. Rose was unaware Respondent continued to prescribe medications to P.S.

17 21. On November 26, 2008, P.S. overdosed and was taken to the Rideout Hospital by
18 ambulance due to being asleep and unresponsive. She had two hypodermic needles in her
19 possession, which contained clear liquid and tested presumptive positive for cocaine base.
20 Toxicology results showed P.S. was positive for Opiates. P.S. admitted that she received the
21 syringes from Respondent.

22 22. On November 27, 28, and 29, 2008, Respondent left several messages on P. S.'s
23 voicemail expressing his love for her.

24 23. Circa May 10, 2009, P.S. overdosed again.

25 24. Circa April 16, 2010, Respondent was involved in a vehicle accident, whereby his car
26 flipped a couple of times. Due to the accident, Respondent was in the hospital for a significant
27 period of time and he was diagnosed with short and long-term memory loss. Approximately 20
28 minutes before Respondent's vehicle accident, Respondent was seen with P.S.

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2 25. A Medical Board investigator telephoned Respondent's office on December 8, 2010,
3 to schedule an interview and was informed Respondent had not returned to practice medicine
4 after his accident. Thereafter, on December 14, 2010, the Investigator spoke with Respondent and
5 discussed having an interview on December 29, 2010. Shortly after the conversation,
6 Respondent's wife called the Investigator to state that Respondent had forgotten what they
7 discussed on the phone call. Respondent was unable to meet for an interview with the Medical
8 Board concerning the investigation.

9 26. On January 25, 2011, the Investigator sent Respondent an application for a disabled
10 medical license and FAQ as it relates to a disabled license form. Respondent has placed his
11 license on disabled status.

12 **STATUTORY VIOLATIONS**

13 **FIRST CAUSE FOR DISCIPLINE** 14 (Gross Negligence)

15 27. Complainant realleges paragraphs 14 through 26 above, as if fully set forth at this
16 point. Respondent is subject to disciplinary action under Business & Professions Code section
17 2234 (b) for committing acts of gross negligence in his care and treatment of patient P.S. based
18 upon the following:

- 19 a) Repeatedly administering potent narcotics and sedatives in an excessive amount
20 to P.S., a patient with migraine headaches.
- 21 b) Failing to document in the medical records an appropriate examination, an
22 assessment, and a management plan.
- 23 c) Developing a personal relationship with a patient under his care.
- 24 d) Prescribing controlled substances such as Dilaudid and Diazepam without a
25 good faith examination after Respondent was no longer her provider.
- 26 e) Failing to document in P. S.'s medical records the prescriptions for controlled
27 substances from 2007 to 2010, after he was no longer her provider.
- 28 f) Notwithstanding the overwhelming evidence that P.S. demonstrated addictive
behavior, and a recommendation of the neurologist advising against analgesic
overuse, Respondent continued to prescribe narcotic and sedative medications to
a patient with behavior suggesting addiction.
- g) Providing narcotic and sedative medications after having her care transferred to
another physician.

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SECOND CAUSE FOR DISCIPLINE
(Repeated Acts of Negligence)

28. Complainant realleges paragraphs 14 through 27 above, as if fully set forth at this point. Respondent is subject to disciplinary action for unprofessional conduct under Business and Professions Code section 2234 (c) for repeated acts of negligence in treating patient P.S. Said repeated acts of negligence include the conduct set forth above in paragraph 29(a) through (g), as well as the following:

- a. Failing to demonstrate a concerted effort to prevent P. S.'s recurrent migraine headaches by prescribing trials of a number of non-narcotic medications recognized to help decrease the frequency and severity of attacks.

THIRD CAUSE FOR DISCIPLINE
(Prescribing Dangerous Drugs Without Prior Exam)

29. Respondent is subject to disciplinary action under section Business and Professions Code section 2242 for prescribing P.S. controlled substances (e.g., Dilaudid and Diazepam) in 2007 through 2010, and failing to document appropriate examinations.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number AFE45025, issued to William Irvine, M.D.
2. Revoking, suspending or denying approval of William Irvine, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;
3. Ordering William Irvine, M.D. to pay the Medical Board of California the costs of probation monitoring;

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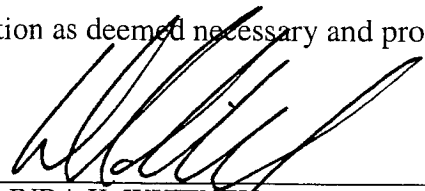
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4. Taking such other and further action as deemed necessary and proper.

DATED: July 22, 2011


LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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